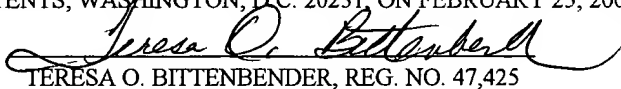


Docket No. BC45226  
Serial No. 09/937,437



**CERTIFICATE OF MAILING**

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE WITH SUFFICIENT POSTAGE IN AN ENVELOPE AS "EXPRESS MAIL POST OFFICE TO ADDRESSEE" MAILING LABEL NUMBER EV134776025US ADDRESSED TO: ATTN: **TAMALA D. HOLLAND**, COMMISSIONER FOR PATENTS, WASHINGTON, D.C. 20231, ON FEBRUARY 25, 2003

  
TERESA O. BITTENBENDER, REG. NO. 47,425

ATTORNEY FOR APPLICANT

02-25-2003

DATE

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: Bruck, et al.	:	International Application No.: PCT/EP00/02478
Filing Date: November 27, 2000	:	I.A. Filing Date: 03/20/2000
Serial No.: 09/937,437	:	Priority Dates: 03/26/1999
For: Novel Compounds		

Attn: **Tamala D. Holland**  
Commissioner for Patents  
Washington, DC 20231

**RESPONSE TO NOTIFICATION OF DEFECTIVE RESPONSE**

Sir:

This is in reply to the communication mailed 5 February 2003 from the Patent Office, entitled "Notification of Defective Response." A copy of the Notice is enclosed.

The Notification stated that the computer readable diskette containing the sequence listing for the above referenced application was damaged, and a new diskette was required.

Submitted herewith is an duplicate copy of the Sequence Listing in computer readable form in accordance with the requirements of 37 CFR §§ 1.821-1.825. Applicants also submit a paper copy of the Sequence Listing on the enclosed diskette.

Docket No. BC45226

Serial No. 09/937,437

Applicant hereby states that the enclosed CRF diskette submitted herewith is identical to the paper copy of the "Sequence Listing" contained in the copy of International Publication No. WO 00/58460 which was previously submitted for filing with the US Patent Office and contains no new matter.

**FEE DEFICIENCY**

☒ If an extension of time is deemed required for consideration of this paper, please consider this paper to comprise a petition for such an extension of time. The Commissioner is hereby authorized to charge the fee for any such extension to Deposit Account No. 50-0258.

**and/or**

☒ If any additional fee is required for consideration of this paper or this application, please charge Account No. 50-0258.

Respectfully submitted,



Teresa O. Bittenbender  
Registration No. 47,425  
Attorney for Applicant

February 25, 2003

DECHERT, LLP  
4000 Bell Atlantic Tower  
1717 Arch Street  
Philadelphia, PA 19103-2793  
Fax: (215) 994-2222  
Attn: Teresa O. Bittenbender  
(215) 994-2213



Page 1 of 2  
Rec'd PCT/PTO 25 FEB 2003

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Box PCT  
United States Patent and Trademark Office  
Washington, D.C. 20231  
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/937,437	Bruck	BC45226

25308  
DECHERT  
ATTN: ALLEN BLOOM, ESQ  
4000 BELL ATLANTIC TOWER  
1717 ARCH STREET  
PHILADELPHIA, PA 19103

INTERNATIONAL APPLICATION NO.

PCT/EP00/02478

I.A. FILING DATE	PRIORITY DATE
------------------	---------------

03/20/2000

03/26/1999

CONFIRMATION NO. 2415

371 FORMALITIES LETTER



\*OC000000009472512\*

Date Mailed: 02/05/2003

### NOTIFICATION OF DEFECTIVE RESPONSE

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office (37 CFR 1.495):

- U.S. Basic National Fee
- Priority Document
- Biochemical Sequence Diskette
- Biochemical Sequence Listing
- Copy of IPE Report
- Copy of references cited in ISR
- Copy of the International Application
- Copy of the International Search Report
- Information Disclosure Statements
- Oath or Declaration
- Preliminary Amendments
- Request for Immediate Examination
- Preliminary Amendments have not been entered because it is off the original. I entered the annexes.

RECEIVED  
FEB 11 2003

Applicant's response filed 03/18/2002 is hereby acknowledged. The following requirements set forth in the NOTIFICATION of MISSING REQUIREMENTS mailed 11/09/2001 have not been completed.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

**Applicant is required to complete the response within a time limit of ONE MONTH from the date of this Notification or within the time remaining in the response set forth in the Notification of Missing Requirements, whichever is the longer. No extension of this time limit may be granted under 37 CFR 1.136, but the period for response set in the Notification of Missing Requirements may be extended under 37 CFR 1.136(a).**

DOUGLAS

2/12/03

Additionally the following defects have been observed:

- Additional claim fees of **\$296** as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

#### SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$296** for a Large Entity:

- Total additional claim fee(s) for this application is **\$296**
  - **\$16** for 4 independent claims over 3.
  - **\$280** for multiple dependant claims surcharge.

The following items **MUST** be furnished within the period set forth below:

- The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 CFR 1.821-1.825 for the following reason(s):
  - The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A substitute computer readable form must be submitted as required by 37 CFR 1.825(d).
  - **APPLICANT MUST PROVIDE:**
    - An initial or substitute computer readable form (CRF) of the "Sequence Listing."
- For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:
  - For Rules Interpretation, call (703) 308-4216
  - To Purchase PatentIn Software, call (703) 306-2600
  - For PatentIn Software Program Help, call (703) 306-4119 or e-mail at [patin21help@uspto.gov](mailto:patin21help@uspto.gov) or [patin3help@uspto.gov](mailto:patin3help@uspto.gov)

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

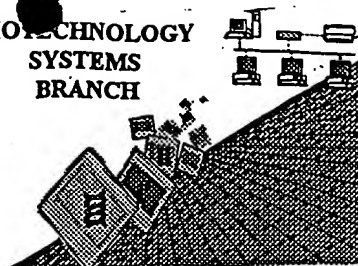
*A copy of this notice **MUST** be returned with the response.*

TAMALA D HOLLAND

Telephone: (703) 305-5483

#### PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
09/937,437	PCT/EP00/02478	BC45226



FA

## CRF Problem Report

The Scientific and Technical Information Center (STIC) experienced a problem when processing the following computer readable form (CRF):

Application Serial Number: 09/937,437A  
Filing Date: 9-26-2001  
Date Processed by STIC: 1-22-03

STIC Contact: Mark Spencer, 703-308-4212

### Nature of Problem:

The CRF (was):

- ☒ (circle one) Damaged or Unreadable (for Unreadable, see attached)
- ☐ Blank (no files on CRF) (see attached)
- ☐ Empty file (filename present, but no bytes in file) (see attached)
- ☐ Virus-infected. Virus name: \_\_\_\_\_ The STIC will not process the CRF.
- ☐ Not saved in ASCII text
- ☐ Sequence Listing was embedded in the file. According to Sequence Rules, submitted file should only be the Sequence Listing.
- ☐ Did not contain a Sequence Listing. (see attached sample)
- ☐ Other:
- ☐ filename present, but file won't open.

**PLEASE USE THE CHECKER VERSION 3.1 PROGRAM TO REDUCE ERRORS.  
SEE BELOW FOR ADDRESS:**

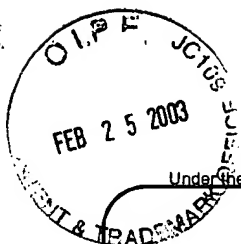
<http://www.uspto.gov/web/offices/pac/checker>

Applicants submitting genetic sequence information electronically on diskette or CD-Rom should be aware that there is a possibility that the disk/CD-Rom may have been affected by treatment given to all incoming mail.

Please consider using alternate methods of submission for the disk/CD-Rom or replacement disk/CD-Rom.

Any reply including a sequence listing in electronic form should NOT be sent to the 20231 zip code address for the United States Patent and Trademark Office, and instead should be sent via the following to the indicated addresses:

1. EFS-Bio (<<http://www.uspto.gov/ebc/efs/downloads/documents.htm>> , EFS Submission User Manual - ePAVE)
2. U.S. Postal Service: U.S. Patent and Trademark Office, Box Sequence, P.O. Box 2327, Arlington, VA 22202
3. Hand Carry directly to:  
U.S. Patent and Trademark Office, Technology Center 1600, Reception Area, 7<sup>th</sup> Floor, Examiner Name,  
Sequence Information, Crystal Mall One, 1911 South Clark Street, Arlington, VA 22202  
Or  
U.S. Patent and Trademark Office, Box Sequence, Customer Window, Lobby, Room 1B03, Crystal Plaza Two ,  
2011 South Clark Place, Arlington, VA 22202
4. Federal Express, United Parcel Service , or other delivery service to: U.S. Patent and Trademark Office,  
Box Sequence, Room 1B03-Mailroom, Crystal Plaza Two, 2011 South Clark Place, Arlington, VA 22202



02-26-03

DT20 Rec'd PCT/PTO

25 FEB 2003

PCT #7

PTO/SB/21 (01-03)

Approved for use through 04/30/2003. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>TRANSMITTAL FORM</b> (to be used for all correspondence after initial filing)	Application Number	09/937,437
	Filing Date	November 27, 2000
	First Named Inventor	Bruck
	Art Unit	
	Examiner Name	
Total Number of Pages in This Submission	Attorney Docket Number	BC45226

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please Identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	Acknowledgment Postcard
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	Duplicate Sequence Listing (CRF and Paper Copy)
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Response to Missing Parts/Incomplete Application	Remarks	
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual	Teresa O. Bittenbender, Reg. #47,425
Signature	<i>Teresa O. Bittenbender</i>
Date	February 25, 2003

CERTIFICATE OF TRANSMISSION/MAILING	
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date: February 25, 2003	
Typed or printed	Teresa O. Bittenbender
Signature	<i>Teresa O. Bittenbender</i>
Date	02/25/2003

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

MB.